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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LACHEY, NIGEL,

Plaintiff,

vs.

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

Case No.: 2:20-cv-01438-BNW

**DEFENDANT'S MOTION FOR LEAVE
TO FILE A LATE ANSWER AND
CERTIFIED ADMINISTRATIVE RECORD**

1 Defendant Commissioner of Social Security files this motion to file his Answer to Plaintiff's
2 Complaint fifteen days late. The undersigned, S. Wyeth McAdam, counsel to the Commissioner,
3 inadvertently calendared the Answer as due on April 16, 2021, instead of the correct date, March 16,
4 2021. Ms. McAdam realised her error when she received the certified administrative record (CAR) from
5 Social Security on March 24, 2021. Ms. McAdam immediately contacted pro se Plaintiff Mr. Lachey via
6 email (nigelboo@gmail.com) to alert him that the CAR had come in and requesting permission to advise
7 the court that he did not oppose the instant motion to file a late answer by March 31, 2021. Ms. McAdam
8 explained that our office needed some time to review the CAR and prepare CDs and hard copies for
9 mailing. Plaintiff responded via email that he is "not amenable" to the instant motion. Please note, even if
10 the undersigned had not miscalendered the deadline, our office would not have received the CAR by the
11 March 16 2021 deadline and would have sought another extension of time. Since communicating with
12 Plaintiff, the undersigned has learned that the staff person in our office responsible for mailing the CARs
13 is on leave, which may delay our office's ability to send a paper copy and CD to Plaintiff and deliver the
14 same to the court by March 31, 2021. Therefore, Defendant requests an extension of time until April 7,
15 2021, to file the answer and the CAR.

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1 Counsel did not intend to delay these proceedings and apologizes to Plaintiff and the Court for
2 any inconvenience. In order not to cause any further delay by awaiting the Court's order on this motion,
3 Counsel will move forward with preparing the CAR and drafting Defendant's Answer.

4 Dated: March 24, 2021

Respectfully submitted,

5 CHRISTOPHER CHIOU
Acting United States Attorney

6 By:

7 /s/ S. Wyeth McAdam
ALLISON J. CHEUNG
Special Assistant United States Attorney

8 ORDER

9 On the basis of good cause, the Court in its discretion GRANTS defendant's motion.
10 Defendant's answer to plaintiff's complaint is due 4/7/2021.

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12 UNITED STATES MAGISTRATE JUDGE

13 DATED: March 26, 2021
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